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6 UNITED STATES DISTRICT COURT
7 DISTRICT OF NEVADA

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9 JEFFREY HOSMER,

10 Plaintiff,

Case No. 3:17-cv-00056-RCJ-WGC

11 v.

ORDER

12 BRIAN SANDOVAL et al.,

13 Defendants.
14

15 **I. DISCUSSION**

16 On January 30, 2017, Plaintiff, a prisoner in the custody of the Nevada Department
17 of Corrections (“NDOC”), initiated this prisoner civil rights action pursuant to 42 U.S.C. §
18 1983. (ECF No. 1). According to the NDOC inmate database and an NDOC press
19 release, Plaintiff died in prison on November 5, 2017.¹

20 Pursuant to Federal Rule of Civil Procedure 25(a)(1), “[i]f a party dies and the claim
21 is not extinguished, the court may order substitution of the proper party. A motion for
22 substitution may be made by any party or by the decedent’s successor or representative.
23 If the motion is not made within 90 days after service of a statement noting the death, the
24 action by or against the decedent must be dismissed.” Fed. R. Civ. P. 25(a)(1). As such,
25 if there is no motion for substitution within 90 days from the date of this order, the Court
26 will dismiss the case.

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28 ¹ See Press Release, Nevada Department of Corrections, Hosmer Death (Nov. 7, 2017),
http://doc.nv.gov/uploadedFiles/docnvgov/content/About/Press_Release/Hosmer%20Death%20Release.pdf.

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